

GENERAL ORDINANCE NO. 12, 2004

Status Passed Adopted Confirmed
 Defeated Withdrawn Tabled
 Stricken Failed to Pass Vetoed

TITLE: Amend CH. 9, Article 5 of the Terre Haute City Code to change the sewer rates and charges for use of and services rendered by the Sewage works.

Sponsoring Councilman: George Azar

Date Filed: June 9, 2004

First Reading Date: June 10, 2004

Second Reading Date: July 8, 2004

5 Yes 3 No Abstentions
Motion Cummins Second Miles

Defeated

Amendments
Yes No Abstentions
Motion Loudermilk Second Cummins

Defeated

2 Yes 10 No Abstentions
Motion Loudermilk Second Azar

Passed

Yes No Abstentions
Motion Loudermilk Second Azar

Tabled
Date: _____ Yes No Abstentions
Motion _____ Second _____

Date: _____ Yes No Abstentions
Motion _____ Second _____

Withdrawn

Yes No Abstentions
Motion _____ Second _____

COMMITTEE REPORT

Date _____ Favorable Unfavorable

Chairman _____

JUN 24 2004

**GENERAL ORDINANCE NO. 12, 2004
AS AMENDED**

CITY CLERK

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA TO AMEND CHAPTER 9, ARTICLE 5 OF THE *TERRE HAUTE CITY CODE* TO CHANGE THE SEWER RATES AND CHARGES FOR USE OF AND SERVICES RENDERED BY THE SEWAGE WORKS.

SECTION 1. The *Terre Haute City Code*, Chapter 9, Article 5, Sections 9-99 and 9-104 are hereby amended by deleting the stricken text and inserting the underlined text as follows:

Sec. 9-99 Minimum Charges.

The water usage schedule and the applicable sewage rates and charges based thereon shall be as follows as of the dates shown:

~~a. One Dollar and Twenty Cents (\$1.20) per one hundred (100) cubic feet of water used or sewage discharged is the rate inside the City.~~

a. The rate for water used or sewage discharged inside the City shall be:

July 1, 2004 One Dollar and Fifty One Cents (\$1.51) per one hundred (100) cubic feet

January 1, 2005 Two Dollars and Forty Eight Cents (\$2.48) per one hundred (100) cubic feet

~~b. A minimum charge for any user inside the City shall be Three Dollars and Seventy Five Cents (\$3.75) per month or quarter according to the billing period, except that where the user is not a metered water consumer, the minimum charge shall be determined by means and methods satisfactory to the City.~~

b. A minimum charge for any user inside the City per month or quarter according to the billing period shall be:

July 1, 2004 Four Dollars and Seventy Two Cents (\$4.72)

January 1, 2005 Seven Dollars and Seventy Six Cents (\$7.76) except that in the event the user is not a metered water customer, the minimum charge shall be determined by means and methods satisfactory to the City

~~e. One Dollar and Fifty Cents (\$1.50) per one hundred (100) cubic feet of water used or sewage discharged is the rate outside the City.~~

Sec. 9-104 Volume, Strength and Character of Sewage and Waste.

a. In order that the rates and charges may be justly and equitably adjusted to the services rendered, the City shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewerage system, in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The Board of Public Works and Safety is authorized to prohibit the dumping of wastes into the City's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage disposal works of the City. (Gen. Ord. No. 2, 1981, As Amended, § 1(g), 9-10-81)

b. In the event a lot, parcel of real estate or building is discharging sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, and it can be shown, to the satisfaction of the City, that a portion of the water as measured by the water meter or meters does not and cannot enter the sewage system, then the City may determine in such manner and by such method as it may deem practicable the percentage of metered water entering the sewage system. Such percentage, when so determined, shall then constitute the basis of sewage rate or charge, provided, however, that the City in its discretion may require or permit the installation of suitable equipment at the expense of the owner or other interested party in such a manner as to determine the quantity of water used to determine the sewage rate or charge shall be the quantity of water actually entering the sewage system as so determined, ~~and in such event the following sewage rates and charges shall apply to the quantity of water actually entering the sewage system:~~

~~Rate Inside the City:~~

~~98¢ per 100 cubic feet of water used or sewage discharged~~

~~Rate Outside the City:~~

~~\$1.22 per 100 cubic feet of water used or sewage discharged~~

~~e. Except that all domestic non-commercial non-industrial users with non-metered water source shall pay a flat rate of Twenty Five Dollars (\$25.00) per quarter or One Hundred Dollars (\$100.00) per year unless otherwise specified by the Common Council. (Gen. Ord. No. 5, 1988, As Amended, § 2(g), H 203, 5-17-88)~~

...

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

FILED

JUL 08 2004

**RESOLUTION NO. 1, 2004
TERRE HAUTE SANITARY DISTRICT
BOARD OF SANITARY COMMISSIONERS**

CITY CLERK

WHEREAS, I.C. 36-9-25-11 provides for the establishment and modification of fees for the treatment and disposal of sewage and other waste discharged into the sewer system; and

WHEREAS, I.C. 36-9-25-11 provides that the fees shall be at all times sufficient to produce revenues sufficient to pay operation, maintenance and administration expenses, to pay principal and interest on bonds and to provide a revolving fund for payment of preliminary expenses on projects (I.C. 36-9-25-34); and

WHEREAS, the City of Terre Haute is under an unfunded federal mandate to eliminate all CSOs which can reasonably be eliminated or face fines under the Clean Water Act; and

WHEREAS, the rates for sewer services have not been increased since 1991; and

WHEREAS, there are insufficient funds to budget for maintenance to and operation of the sewage system in such a manner as to provide methods to eliminate CSOs; and

WHEREAS, the lack of funds for maintenance and operation have permitted deterioration of the sewer system; and

WHEREAS, the Board of Sanitary Commissioners has engaged the services of financial consultants and engineers to determine the reasonable actions to be taken to maintain and operate the sewage system in a manner to eliminate CSOs, the cost involved therefore and the necessary increase to sewer rates to cover such costs; and

WHEREAS, the Sanitary District published notice of and conducted a public hearing on July 1, 2004 and July 8, 2004 to permit public input on increases to the rates charged for sewer services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Sanitary Commissioners that the following increased rates for sewer services are adopted by the Board of Sanitary Commissioners and are recommended to the Common Council of the City of Terre Haute for approval:

Effective July 1, 2004:

Inside City Rate	\$1.51 per 100 cubic feet
Outside City Rate	\$1.89 per 100 cubic feet

Maximum Charge:

Inside City	\$4.72 per billing period
Outside City	\$5.91 per billing period

Domestic non-commercial, non-industrial, non-metered water source users:

Inside City	\$38.56 per quarter
Outside City	\$48.19 per quarter

Effective January 1, 2005:

Inside City Rate	\$2.48 per 100 cubic feet
Outside City Rate	\$3.10 per 100 cubic feet

Maximum Charge:

Inside City	\$7.76 per billing period
Outside City	\$9.72 per billing period

Domestic non-commercial, non-industrial, non-metered water source users:

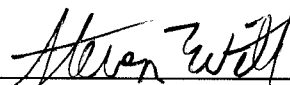
Inside City	\$63.38 per quarter
Outside City	\$79.23 per quarter

IT IS SO RESOLVED this 8th day of July, 2004.

Terre Haute Sanitary Board
Board of Sanitary Commissioners



Pat Goodwin, President



Steve Witt

L.E. Frasier

TERRE HAUTE WASTEWATER UTILITY

FILED

PROJECTED ANNUAL REVENUE REQUIREMENTS VS GENERATED REVENUE

JUL 08 2004

See Explanation of Adjustments, page 3.
(Amounts rounded to the nearest thousand)

CITY CLERK

Annual Revenues:

Residential (1)	\$4,828,000
Other (1)	523,000
	<hr/>
Total Available Receipts	\$5,351,000
	<hr/>
Additional revenues required	\$3,500,000
	<hr/>
Resulting Approximate Bill for residential consumers assuming usage of 667 cubic feet. (Presently \$8.00)	\$13.81
	<hr/>

73²⁰

Proposed
2005 Project

Revenue Requirements:

Operation and maintenance (1)	\$4,517,000
Additional 3% inflation factor - 2003	136,000
Additional 3% inflation factor - 2004	140,000
Additional 3% inflation factor - 2005	144,000
Additional operation and maintenance (2)	211,000
Proposed debt service:	
Sinking fund - Proposed 2005 Issue (3)	2,419,000
Debt service reserve - Proposed 2005 Issue (4)	484,000
Replacements and improvements (5)	1,791,000
Additional replacements and improvements - 2005 (6)	666,000
	<hr/>
Total Revenue Generated with proposed rate increase of \$13.81	10,508,000
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Total Revenue Generated	\$8,851,000
	<hr/>
Deficit between revenue requirements and projected revenues	\$1,657,000
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Note:

- 1) User Rate if revenue is reduced to the \$3,500,000 will be \$13.81.
- 2) Please note the money available versus what is needed under the rate study will result in a deficit of \$1,657,000 for the Wastewater Utility.

Draft

TERRE HAUTE WASTEWATER UTILITY

FILED

PROJECTED ANNUAL REVENUE REQUIREMENTS VS GENERATED REVENUE

JUL 08 2004

See Explanation of Adjustments, page 3.
(Amounts rounded to the nearest thousand)

CITY CLERK

Annual Revenues:

Residential (1)	\$4,828,000
Other (1)	<u>523,000</u>
Total Available Receipts	<u>\$5,351,000</u>
Additional revenues required	<u>\$4,000,000</u>
Resulting Approximate Bill for residential consumers assuming usage of 667 cubic feet. (Presently \$8.00)	<u>\$14.63</u>

8320

Proposed
2005 Project

Revenue Requirements:

Operation and maintenance (1)	\$4,517,000
Additional 3% inflation factor - 2003	136,000
Additional 3% inflation factor - 2004	140,000
Additional 3% inflation factor - 2005	144,000
Additional operation and maintenance (2)	211,000
Proposed debt service:	
Sinking fund - Proposed 2005 Issue (3)	2,419,000
Debt service reserve - Proposed 2005 Issue (4)	484,000
Replacements and improvements (5)	1,791,000
Additional replacements and improvements - 2005 (6)	<u>666,000</u>
Total Revenue Requirements	<u>10,508,000</u>
Total Revenue Generated with proposed rate increase of \$14.63	<u>\$9,351,000</u>
Deficit between revenue requirements and projected revenues	<u>\$1,157,000</u>

Note:

- 1) User Rate if revenue is reduced to the \$4,000,000 will be \$14.63.
- 2) Please note the money available versus what is needed under the rate study will result in a deficit of \$1,157,000 for the Wastewater Utility.

Draft

JUN 09 2004

GENERAL ORDINANCE NO. 12, 2004

CITY CLERK

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA TO AMEND CHAPTER 9, ARTICLE 5 OF THE *TERRE HAUTE CITY CODE* TO CHANGE THE SEWER RATES AND CHARGES FOR USE OF AND SERVICES RENDERED BY THE SEWAGE WORKS.

SECTION 1. The *Terre Haute City Code*, Chapter 9, Article 5, Sections 9-99 and 9-104 are hereby amended by deleting the stricken text and inserting the underlined text as follows:

Sec. 9-99 Minimum Charges.

The water usage schedule and the applicable sewage rates and charges based thereon shall be as follows as of the dates shown:

~~a. One Dollar and Twenty Cents (\$1.20) per one hundred (100) cubic feet of water used or sewage discharged is the rate inside the City.~~

a. The rate for water used or sewage discharged inside the City shall be:

July 1, 2004 One Dollar and Fifty One Cents (\$1.51) per one hundred (100) cubic feet

January 1, 2005 Two Dollars and Forty Eight Cents (\$2.48) per one hundred (100) cubic feet

~~b. A minimum charge for any user inside the City shall be Three Dollars and Seventy Five Cents (\$3.75) per month or quarter according to the billing period, except that where the user is not a metered water consumer, the minimum charge shall be determined by means and methods satisfactory to the City.~~

b. A minimum charge for any user inside the City per month or quarter according to the billing period shall be:

July 1, 2004 Four Dollars and Seventy Two Cents (\$4.72)

January 1, 2005 Seven Dollars and Seventy Six Cents (\$7.76) except that in the event the user is not a metered water customer, the minimum charge shall be determined by means and methods satisfactory to the City

~~c. One Dollar and Fifty Cents (\$1.50) per one hundred (100) cubic feet of water used or sewage discharged is the rate outside the City.~~

c. The rate for water used or sewage discharged outside the City shall be:

July 1, 2004 One Dollar and Eighty Nine Cents (\$1.89) per cubic feet

January 1, 2005 Three Dollars and Ten Cents (\$3.10) per cubic feet

~~d. — A minimum charge for any user outside the City shall be Four Dollars and Seventy Cents (\$4.70) per month or quarter according to the billing period, except that where the user is not a metered water consumer, the minimum charge shall be determined by means and methods satisfactory to the City.~~

d. A minimum charge for any user outside the City per month or quarter according to the billing period shall be:

July 1, 2004 Five Dollars and Ninety One Cents (\$5.91)

January 1, 2005 Nine Dollars and Seventy Two Cents (\$9.72) except that in the event the user is not a metered water customer, the minimum charge shall be determined by means and methods satisfactory to the City.

~~e. — Except that all domestic non-commercial non-industrial users inside the City with non-metered water source shall pay a flat rate of Thirty Dollars and Sixty Five Cents (\$30.65) per quarter.~~

e. Except that all domestic non-commercial non-industrial users inside the City with non-metered water source shall pay a flat fee per quarter of:

July 1, 2004 Thirty Eight Dollars and Fifty Six Cents (\$38.56)

January 1, 2005 Sixty Three Dollars and Thirty Eight Cents (\$63.38)

~~f. — Except that all domestic non-commercial non-industrial users outside the City with non-metered water source shall pay a flat rate of Thirty Eight Dollars and Thirty One Cents (\$38.31) per quarter. (Gen. Ord. No. 14, 1990, As Amended, § 1, 915.02(b), 1-10-91)~~

f. Except that all domestic non-commercial non-industrial users outside the City with non-metered water source shall pay a flat rate per quarter of:

July 1, 2004 Forty Eight Dollars and Nineteen Cents (\$48.19)

January 1, 2005 Seventy Nine Dollars and Twenty Three Cents (\$79.23)

g. The City of Terre Haute, its departments and agencies are exempt from the payment of the sewage rates listed in Sec. 9-99. (Gen. Ord. No. 28, 2001, 1-10-02)

Sec. 9-104 Volume, Strength and Character of Sewage and Waste.

a. In order that the rates and charges may be justly and equitably adjusted to the services rendered, the City shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewerage system, in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The Board of Public Works and Safety is authorized to prohibit the dumping of wastes into the City's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage disposal works of the City. (Gen. Ord. No. 2, 1981, As Amended, § 1(g), 9-10-81)

b. In the event a lot, parcel of real estate or building is discharging sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, and it can be shown, to the satisfaction of the City, that a portion of the water as measured by the water meter or meters does not and cannot enter the sewage system, then the City may determine in such manner and by such method as it may deem practicable the percentage of metered water entering the sewage system. Such percentage, when so determined, shall then constitute the basis of sewage rate or charge, provided, however, that the City in its discretion may require or permit the installation of suitable equipment at the expense of the owner or other interested party in such a manner as to determine the quantity of water used to determine the sewage rate or charge shall be the quantity of water actually entering the sewage system as so determined, and in such event the following sewage rates and charges shall apply to the quantity of water actually entering the sewage system:

Rate Inside the City:

~~98¢ per 100 cubic feet of water used or sewage discharged~~

July 1, 2004 \$1.23 per 100 cubic feet of water used or sewage discharged

January 1, 2005 \$2.03 per 100 cubic feet of water used or sewage discharged

Rate Outside the City:

~~\$1.22 per 100 cubic feet of water used or sewage discharged~~

July 1, 2004 \$1.53 per 100 cubic feet of water used or sewage discharged

January 1, 2005 \$2.52 per 100 cubic feet of water used or sewage discharged

~~e. — Except that all domestic non-commercial non-industrial users with non-metered water source shall pay a flat rate of Twenty Five Dollars (\$25.00) per quarter or One Hundred Dollars (\$100.00) per year unless otherwise specified by the Common Council. (Gen. Ord. No. 5, 1988, As Amended, § 2(g), H 203, 5-17-88)~~

c. Except that all domestic non-commercial non-industrial users with non-metered water source shall pay a flat rate per quarter or per year as follows unless specified by the Common Council:

July 1, 2004 Thirty One Dollars and Forty Five Cents (\$31.45) per quarter or One Hundred Twenty Five Dollars and Eighty Cents (\$125.80) per year

January 1, 2005 Fifty One Dollars and Seventy Cents (\$51.70) per quarter or Two Hundred Six Dollars and Eighty Cents (\$206.80) per year

...

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect on the date of its passage and any and all necessary approval by the Mayor of the City of Terre Haute.

Introduced by: _____, Councilman, George Azar

Passed in open Council this _____ day of _____, 2004.

PRESIDENT, Cliff Lambert

ATTEST: _____, City Clerk, Charles P. Hanley

Presented by me to the Mayor this _____ day of _____, 2004.

CITY CLERK, Charles P. Hanley

Approved by me, the Mayor, this _____ day of _____, 2004.

MAYOR, Kevin D. Burke

ATTEST: _____, City Clerk, Charles P. Hanley